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10/033,583	12/20/2001	Masayuki Kawata	S004-4508	9180

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EXAMINER

MONDT, JOHANNES P

ART UNIT PAPER NUMBER

2826

DATE MAILED: 07/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N . 10/033,583	Applicant(s) KAWATA, MASAYUKI	
	Examin r Johannes P Mondt	Art Unit 2826	

-- The MAILING DATE of this communication appears on the cover sheet with the c rrespondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 4/23/04.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-20 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-15 and 17-20 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4/23/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Amendment filed 04/23/2004 forms the basis for this Official Action. In said Amendment Applicant has substantially amended the Specification and the Abstract, canceled claim 16, substantially amended claims 1-15 and added new claims 17-20. Comments on Remarks in said Amendment are included below under "Response to Arguments".

Priority

Applicant is informed again that although acknowledgment is made of Applicant's claim for foreign priority based on applications filed in Japan on 12/21/2000 and 12/06/2001, it is noted that Applicant has not filed certified copies of the applications.

Information Disclosure Statement

The examiner has considered the item listed on the Information Disclosure Statement filed 04/23/2004, of which Form PTO-1449 has been signed and is included with this Official Action.

Specification

The Specification is objected to for the following reason: the wording "generally planar" as introduced in the Specification on page 4, line 11, is indefinite, because

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“generally” means (Merriam-Webster’s Collegiate Dictionary, tenth Edition, page 485)

(a) “in disregard of specific instances and with regard to an overall picture”, and (b)

“usually”. Both meanings are relative concepts, which makes it impossible to determine the scope of the invention. See also claim 2, lines 7 and 16; claim 3, lines 4-5; claim 17, line 5 as well as the derivative reference to “the planar surface portion” in lines 6, 8 and 11-12; claim 18, lines 3, 5, 9; claim 20, lines 4-5.

Claim Objections

1. ***Claim 1, and claims 3, 4, 6, 7, 9, 10, 12, 13 and 15*** through their dependence on claim 1, are objected to because of the following informalities: the wording “the second surface portion” (lines 9, 11 and 13 of claim 1) has to be replaced by “said at least one second surface portion”. Appropriate correction is required.

2. ***Claim 2, and claims 5, 8, 11 and 14*** through their dependence on claim 2, are objected to because of the following informalities: the wording “the second surface portion” (claim 2, lines 9, 11-12 and 14-15) should be replaced by “said at least one second surface portion”. Appropriate correction is required.

3. ***Claim 3*** is objected to because of the following informalities: the wording “one of the second surface portions” (lines 6-7) should be replaced by “one of said at least two second surface portions”, and the wording “the other of the second surface portions” (line 8) should be replaced by “another of said at least two second surface portions”. Appropriate correction is required.

4. **Claim 17, and claims 18-20** through their dependence on claim 17, are objected to because of the following informalities: Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. The term "generally planar" in **claims 1-15 and 17-20** is a relative term, which renders the claim indefinite. The term "generally" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The term "generally" in claim 1, line 7, means (a) "in disregard to specific instances and with regard to an overall picture" and (b) "as a rule: usually"(cf. Merriam-Webster's Collegiate Dictionary, tenth Edition, 1999; page 485). Both meanings are relative concepts, which makes it impossible to determine the scope of the invention. See also claim 2, lines 7 and 16; claim 3, lines 4-5; claim 17, line 5 as well as the derivative reference to "the planar surface portion" in lines 6, 8 and 11-12; claim 18, lines 3, 5, 9; claim 20, lines 4-5.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claim 1** is rejected under 35 U.S.C. 102(b) as being anticipated by Kashiwagi et al (Japanese Patent JP403168618). The present rejection is provided within the limits created by the indefinite nature of the claim language as discussed above and based on the best understanding by examiner of what Applicant means. Kashiwagi et al teach (cf. title, English Abstract and Figures 1-7) a film liquid crystal device having a pair of flexible substrates 1 (cf. English Abstract, "Constitution", second sentence and Figures 6-7) spaced apart from one another to define there between a gap (space occupied with elements 3, 5 and 6; see Figure 7) containing liquid crystal 5 (English Abstract, "Constitution", second sentence), a plurality of first surface portions having a curved cross-section, - specifically: the upper main surface portion of the uppermost of said flexible substrates, and the lower main surface portion of lowermost of said flexible substrate 1, see Figure 7; at least one second surface portion having a substantially planar cross-section, specifically: any of two side surfaces of the upper flexible substrate 1 and sealing material 3 (cf. English Abstract, "Constitution", second sentence; and Figures 6-7); an injection port formed in said at least one second surface portion and through which the liquid crystal is injected into the gap (cf. page 110: the sealing element 3 comprises thermosetting epoxy resin is of a configuration such that part of it is provided with a liquid crystal injection opening, screen material 3 is screen printed and after the flexible substrates 1 are positioned and aligned the sealing material 3 is hardened and liquid crystal is injected through the liquid crystal injection opening upon which said opening is sealed), and a sealing portion 3 disposed on said at

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least one second surface portion for sealing the injection port (cf. Figures 6-7 and English Abstract, "Constitution", second sentence); and a holding structure for holding the film liquid crystal device in a curved state (English Abstract, "Constitution", third sentence: the holding structure being the curved enclosure with adhesive referred to here) while the at least one second surface portion of the film liquid crystal device remains substantially planar in cross-section (cf. Figures 1, 3, 6 and 7 in which the side surfaces are shown to be substantially planar while no force is exerted to curve said side surfaces). In conclusion, Kashiwagi et al anticipate claim 1.

5. **Claim 2** is rejected under 35 U.S.C. 102(b) as being anticipated by Kashiwagi et al (Japanese Patent JP403168618). The present rejection is provided within the limits created by the indefinite nature of the claim language as discussed above and based on the best understanding by examiner of what Applicant means. Kashiwagi et al teach (cf. title, English Abstract and Figures 1-7) a film liquid crystal device having a pair of flexible substrates 1 (cf. English Abstract, "Constitution", second sentence and Figure 7) spaced apart from one another to define there between a gap (space occupied with elements 3, 5 and 6; see Figure 7) containing liquid crystal 5 (English Abstract, "Constitution", second sentence), a plurality of first surface portions having a curved cross-section, - specifically: the upper main surface portion of the uppermost of said flexible substrates, and the lower main surface portion of lowermost of said flexible substrate 1, see Figures 6-7; at least one second surface portion having a substantially planar cross-section, - specifically: any of two side surfaces of the upper flexible

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substrate 1 and sealing material 3 (cf. English Abstract, "Constitution", second sentence; and Figures 6-7); an injection port formed in said at least one second surface portion and through which the liquid crystal is injected into the gap (cf. page 110: the sealing element 3 comprises thermosetting epoxy resin is of a configuration such that part of it is provided with a liquid crystal injection opening, screen material 3 is screen printed and after the flexible substrates 1 are positioned and aligned the sealing material 3 is hardened and liquid crystal is injected through the liquid crystal injection opening upon which said opening is sealed), and a connection terminal 2 disposed on the second surface portion 1 (cf. Fig. 7 and English Abstract, "Constitution", first sentence) (which can be used) for electrically connecting the film liquid crystal device to a circuit block (Applicant is informed that functional language is irrelevant in the present device application); and a holding structure for holding the film liquid crystal device in a curved state (English Abstract, "Constitution", third sentence: the holding structure being the curved enclosure with adhesive referred to here) while the at least one second surface portion of the film liquid crystal device remains substantially planar in cross-section (cf. Figures 1, 3, 6 and 7 in which the side surfaces are shown to be substantially planar while no force is exerted to curve said side surfaces). In conclusion, Kashiwagi et al anticipate claim 2.

6. **Claim 17** is rejected under 35 U.S.C. 102(b) as being anticipated by Kashiwagi et al (Japanese Patent JP403168618A). The present rejection is provided within the limits created by the indefinite nature of the claim language as discussed above and

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based on the best understanding by examiner of what Applicant means. Kashiwagi et al teach (cf. title, English Abstract, Figures 1-7) a film crystal device (cf. Figures 6-7) having a pair of flexible substrates 1 (cf. English Abstract, "Constitution", second sentence and Figures 6-7) spaced apart from one another to define there between a gap (space occupied with elements 3, 5 and 6; see Figures 6-7) containing liquid crystal 5 (English Abstract, "Constitution", second sentence), at least one surface portion having a substantially planar cross-section, - specifically: any of two side surfaces of the upper flexible substrate 1 and sealing material 3 (cf. English Abstract, "Constitution", second sentence; and Figures 6-), an injection port formed in the at least one surface portion (cf. page 110: the sealing element 3 comprises thermosetting epoxy resin is of a configuration such that part of it is provided with a liquid crystal injection opening, screen material 3 is screen printed and after the flexible substrates 1 are positioned and aligned the sealing material 3 is hardened and liquid crystal is injected through the liquid crystal injection opening upon which said opening is sealed, and hence it follows that said injection port is in the opening which in its turn is located at the position of the sealing material 3) in said substantially planar surface portion and through which the liquid crystal is injected through the gap (cf. page 110, loc. cit.), and a sealing portion 3 (cf. English Abstract, "Constitution", second sentence) disposed on the planar surface portion (cf. Figure 7) for sealing the injection port; and a holding structure for holding the film liquid crystal device in a curved state (English Abstract, "Constitution", third sentence: the holding structure being the curved enclosure with adhesive referred to here) while the substantially planar surface portion of the film liquid crystal device is

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substantially parallel with a curvature axis of the film liquid crystal device (cf. Figures 1, 3, 6 and 7 in which the side surfaces are shown to be substantially parallel with the x-axis (cf. Figure 6), said x-axis being substantially parallel with a curvature axis of the film liquid crystal device: said curvature axis being into or out of the paper for Figure 7).

In conclusion, Kashiwagi et al anticipate claim 17.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Johannes P Mondt whose telephone number is 571-272-1919. The examiner can normally be reached on 8:00 - 18:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan J Flynn can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM
July 7, 2004

NATHAN J. FLYNN
SUPERVISORY PATENT EXAMINER
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